

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16190 of 2022

Madhusudan Gumansingh ***Petitioner***
Mr. M.K. Mohapatro, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Debasish Biswal, A.S.C.

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
22.12.2022

Order No.

01. 1. Heard the learned counsels for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offence U/s. 379/34, I.P.C. and Section 51 of the Orissa Minor Minerals Concession Rules, 2004, in connection with Jankia P.S. Case No.201 of 2022 corresponding to G.R. Case No.870 of 2022 pending in the court of learned S.D.J.M., Khurda.
3. Considering the nature and seriousness of the allegation, gravity of the offence and the facts of the case, while this Court is not inclined to grant anticipatory bail, it is directed that the Petitioner, if so chooses, may surrender before the learned S.D.J.M., Khurda in the aforesaid G.R. Case during the first hour within three weeks from today and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record.

4. In case of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on its own merit, strictly on the basis of the materials available on record, without being influenced by any observation made herein by this Court or even presuming it to be a direction in affirmative.

5. Case Diary be transmitted and made available to the learned courts below, at the cost of the Petitioner, to facilitate disposal of the bail application of the Petitioner.

6. Learned court below shall also verify the criminal antecedents of the present Petitioner and if the Petitioner is found to have more than one criminal antecedents of similar nature to his credit, this order shall not be given effect to.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge